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2. On August 25, 1970 the Estado do São Paulo published a commentary by its Brasilia Bureau Chief, Evandro Carlos de Andrade, on the subject entitled approximately "Lying by Being Out of Date" (Inatualidade, Mentira). Andrade argues that the foreign press is not only distorting Brazilian reality by the deliberate use of photos out of context to mislead audiences in news stories on torture (Rio A-588), but is also lying by attributing the generalized use of torture to the present time when it was really only characteristic of the period of several months ago. Andrade argues that the repression of abuses has been going forward discreetly "which is understandable when we remember the black phase of anarchy undergone by the dominant system from the implantation of a headless dictatorial regime under 14-5 until the inauguration of President Medici". He asserts that "those who take advantage of authority by violating the physical integrity of prisoners are being punished, without boasting but with firmness and in greater and greater numbers." He states that even an inexperienced reporter could now see that the conditions which until a few months ago "degraded our traditions of a civilized country" no longer prevail. He admits that "errors of authority" are committed but by lower levels and in decreasing volume.

3. Other prominent columnists such as Carlos Castello Branco of the Jornal do Brasil have also indicated their impression that the GCB is moving against torture. Also, significantly, on September 4 the pro-Government newspaper, O Globo published a front page editorial entitled "Punish the Guilty". The editorial referred to the accusation by the Archbishop of São Luis, capital of Maranhão, that the Federal Police had tortured Father Jose Antonio Magalhães Monteiro. On the following day the newspaper published a brief statement by "qualified sources" that no torture had taken place; on September 11, however, it gave front page publicity to the decision of the National Council of Brazilian Bishops to investigate the case. (The case has been previously reported by AmComSec Recife in Report 28.)

4. Privately, Andrade told the reporting officer that his column was based on the following understanding of the situation. Shortly after Medici's nomination the then Chief of Cabinet of the Ministry of the Army, General Newton Reis told a mutual friend that the Army had become, for the first time in its history, involved in brutalities and General Medici was determined to end this unacceptable situation. Andrade was convinced of the truth of General Reis' statement not only because of this confidence in his source, but also because it was followed within a few days by Minister of Justice Buzaid's public statement that if torture existed it would be punished. As will be recalled however, the Minister's statement, instead of leading to public investigations of specific charges, was followed by total censorship on all mention of torture cases and apparently inactivity. Andrade is convinced that this hiatus of several months in public discussion of the torture issue was brought about by wide-spread reaction within the Army against any public investigation of the Army involvement in the abuse of prisoners which would reflect on the dignity of the military.

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5. Andrade said the strength of the Army reaction led President Medici to desist from his plans to end torture by the exemplary punishment of at least one torturer. He did, however, attempt to bring the problem under control by transferring military and police personnel known to be involved. More recently the President has used the weapon of summary retirement to punish officers who have engaged in torture. As the military and security forces have become convinced that the President really means business the number of cases has dropped sharply. Andrade was adamant on the key point that military officers have actually been retired for engaging in torture. His facts came from sources he calls unquestionable.

6. Andrade also noted three indirect indications that the Government was sincerely acting to bring the problem under control. The Minister of Justice's assertion in May that no cases of torture exist in Brazil was indicative of increased confidence that discipline had been restored in the prisons. Secondly, the failure of the church to be more aggressive in denouncing this subject was the result of an apparent agreement that the church would not try to embarrass the Government by publicizing past torture cases in return for the Government's promise that future abuses would not be tolerated. Finally, the MDB's cooperation on the Human Rights Council, and statements such as that by Deputy Humberto Lucena referred to above, were the result of Government assurances that it would try to prevent abuses but could not do so in an atmosphere of sensational publicity.

COMMENT:

Andrade's concern on the subject of torture is longstanding and he has on occasion recounted detailed case histories to Embassy officers. This makes his recent report on the subject of more than passing interest.

Andrade's report focuses attention on the Army in discussing torture incidents, largely ignoring civilian security agencies such as DOFS which also participate in the practice.

While the Government indeed seems to be taking steps to reduce the incidence of torture, there is no evidence that it intends to publicly identify and criminally prosecute the torturers. It is probable that too many officers have implicated themselves in this business, either directly or by their tacit acceptance, to make a public investigation politically feasible.

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